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AUTHORIZING APPROPRIATIONS FOR ACTIVITIES AT THE LONG ISLAND SOUND

OCTOBER 13, 1999.—Ordered to be printed

Mr. CHAFEE, from the Committee on Environment and Public
Works, submitted the following

REPORT

[to accompany S. 1632]

[Including cost estimate of the Congressional Budget Office]

The Committee on Environment and Public Works, to which was referred the bill (S. 1632), to extend the authorization of appropriations for activities at the Long Island Sound, having considered the same, reports favorably thereon and recommends that the bill do pass.

GENERAL STATEMENT AND BACKGROUND

Approximately 100 miles in length and 21 miles at its greatest width, the Long Island Sound (the Sound) is the second largest water body in the mid-Atlantic region after the Chesapeake Bay. Restoration and management of the Sound is complicated by natural and anthropogenic factors. Unlike most estuaries, the Sound has two connections to the sea, flowing into the Atlantic Ocean to the east and to New York Harbor to the west. Freshwater entering the Sound comes from a series of south flowing rivers. The major rivers are the Connecticut, the Housatonic, and the Thames. The multiple inflow and outflow points, coupled with an uneven bottom topography, result in a complex patterns of tides and currents.

The Sound is located in the most densely populated region of the Nation. The mid-Atlantic region has a population density 40 times greater than the national average. The Sound's 16,000 square mile

drainage basin includes portions of New York City, Long Island, and Westchester County in New York, in addition to Stamford, Norwalk, Bridgeport and New Haven in Connecticut. More than 8 million people reside in the Sound's watershed, and the Sound is bordered by a nearly unbroken chain of cities and towns. The Sound plays a critical role in the regional economy, contributing more than \$5.5 billion to the region from water quality dependent activities such as boating, commercial and sports fishing, swimming and beach going.

The large population places significant environmental pressures on the Sound. Leading environmental threats include hypoxia, pathogens, mercury pollution, and habitat degradation. Hypoxia, or low dissolved oxygen levels, is considered the primary threat to the Sound. In 1989, scientists discovered hypoxic conditions in 40 percent of the Sound's bottom waters. The primary cause of hypoxia is excessive nutrient inputs from municipal wastewater discharges, combined sewer overflows, air deposition, storm water and urban runoff. Another threat is pathogens, disease causing microorganisms found in human and animal waste. The primary sources of pathogens are combined sewer overflows, run-off from agriculture, and overloaded sewage treatment plants. Heavy metals and organic chemicals have contaminated sediments in urbanized areas around the Sound. In recent years, high concentrations of PCBs found in the tissues of fish and shellfish have led authorities to issue consumption advisories. The Sound is consistently one of the nation's most contaminated sites for copper. In addition, high levels of mercury have been detected in portions of the Sound. Habitat loss is another area of significant concern. Over the past century, up to 35 percent of the Sound's tidal wetlands were destroyed by development. The destruction of critical wetlands, upland habitat, and eel grass beds has eliminated the Sound's natural filtering mechanisms and increased the overall level of pollutants entering the Sound.

In 1985, Connecticut and New York, in cooperation with the Environmental Protection Agency (EPA) established the Long Island Sound Study (LISS) to assess and improve the water quality of the Sound. In 1987, the Long Island Sound was one of the original six estuaries designated under the National Estuary Program of the Clean Water Act. A management committee and a civilian advisory committee were created within the LISS to develop a comprehensive conservation and management plan (CCMP). Completed in 1994, the CCMP calls for a reduction in the amount of nitrogen reaching the waters of the Sound by nearly 60 percent over the next 15 years and establishes a goal of restoring at least 2,000 acres of coastal habitat and 100 miles of river used by migratory fish over the next 10 years. Implementation of the plan will be achieved through the Long Island Sound Restoration Agreement, a multi-jurisdictional agreement signed by the EPA Administrator and the Governors of Connecticut and New York in the fall of 1994. In 1990, the Long Island Sound Program Office (the Office) was created under section 119 of the Clean Water Act. The purpose of the Office is to coordinate Federal and State activities, assist in public outreach and education, and provide grants to help implement the Long Island Sound Comprehensive Management Plan and Restoration Agreement activities.

Federal, State, and private funds have been well-spent over the years to research the conditions in the Sound and develop a comprehensive conservation management plan to improve water quality and restore degraded habitat. Significant progress has been made in implementing that plan. Sewage treatment plants are being upgraded to remove nitrogen. The costs for upgrading the plants in New York and Connecticut is roughly \$2.5 billion. To date, Connecticut has contributed at least \$100 million in Clean Water Fund grants, and New York has contributed \$200 million in bond funds to help implement the plan. Other elements of the management plan addressing toxic substances, pathogens, floatable debris, living resources and habitat are estimated to require up front costs of \$3.25 million and annual costs of \$5.5 million to implement.

OBJECTIVES AND SUMMARY OF THE LEGISLATION

The bill would extend the authorization for the Long Island Sound Program office through 2005. The funding authorization would increase from an amount not to exceed \$3 million annually to an amount not to exceed \$10 million annually.

REGULATORY IMPACT STATEMENT

In compliance with section 11(b) of rule XXVI of the Standing Rules of the Senate, the committee makes the following evaluation of the regulatory impact of the reported bill. The reported bill will have no regulatory impact. This bill will not have any effect on the personal privacy of individuals.

MANDATES ASSESSMENT

In compliance with the Unfunded Mandates Reform Act of 1995 (Public Law 104-4), the committee finds that S. 1632 would impose no Federal intergovernmental unfunded mandates on State, local or tribal governments. All of its governmental directives are imposed on Federal agencies. The bill does not directly impose any private sector mandates.

LEGISLATIVE HISTORY

On September, 23, 1999, Senator Lieberman introduced S. 1632, a bill to extend the authorization of appropriations for activities under section 119 of the Federal Water Pollution Control Act. On September 29, 1999, the Committee on Environment and Public Works held a business meeting to consider S. 1632. The bill was favorably reported by voice vote.

COST OF LEGISLATION

Section 403 of the Congressional Budget and Impoundment Control Act requires that a statement of the cost of the reported bill, prepared by the Congressional Budget Office, be included in the report. That statement follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 7, 1999.

Hon. JOHN H. CHAFEE, *Chairman,*
Committee on Environment and Public Works,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1632, a bill to extend the authorization of appropriations for activities at Long Island Sound.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Susanne S. Mehlman (for Federal costs), who can be reached at 226-2860, and Shelley Finlayson (for the state and local impact), who can be reached at 225-3220.

Sincerely,

DAN L. CRIPPEN.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 1632, A bill to extend the authorization of appropriations for activities at Long Island Sound, as ordered reported by the Senate Committee on Environment and Public Works on September 29, 1999

Summary

S. 1632 would extend and increase the authorization of appropriations for the Environmental Protection Agency's (EPA's) Long Island Sound program of free over the 2000-2005 period. Enacting this bill also would authorize the appropriation of up to \$10 million for each of fiscal years 2000 through 2005. Under current law the program is authorized to receive appropriations of \$3 million annually through 2001. CBO estimates that implementing S. 1632 would result in additional discretionary outlays of about \$47 million over the 6-year authorization period.

The bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. S. 1632 contains no intergovernmental mandates or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). Any costs to state or local governments would be the result of complying with grant conditions.

Estimated Cost to the Federal Government

For purposes of this estimate, CBO assumes that the amounts authorized will be appropriated for each fiscal year and that outlays will follow the pattern of past appropriations for EPA's Long Island Sound program. The estimated budgetary impact of S. 1632 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

By Fiscal Year, in Millions of Dollars

	2000	2001	2002	2003	2004	2005
SPENDING SUBJECT TO APPROPRIATION						
Authorization Level ^a	3	3	0	0	0	0
Estimated Outlays	2	3	1	1	^b	0
Authorization Level	7	7	10	10	10	10
Estimated Outlays	4	6	8	9	10	10
Authorization Level	10	10	10	10	10	10
Estimated Outlays	6	9	9	10	10	10

^a The EPA Long Island Sound program office has not yet received a full-year appropriation for 2000; under current law \$3 million is authorized to be appropriated for this program in 2000 and 2001.

^b Less than \$500,000.

Pay-as-you-go Considerations: None.

Estimated Impact on State, Local, and Tribal Governments

S. 1632 contains no intergovernmental mandates as defined in UMRA. The bill would reauthorize the Long Island Sound program of lice. Much of the funding authorized by the bill would fund a grant program that requires matching funds from participating public or private entities such as qualified state and local governments. Any costs to these governments from the requirements of the program would be incurred voluntarily.

Estimated Impact on the Private Sector

This bill would impose no new private-sector mandates as defined in UMRA.

Estimate Prepared by: Federal Costs: Susanne S. Mehlman (226–2860) Impact on State, Local, and Tribal Governments: Shelley Finlayson (225–3220)

Estimate Approved by: Peter H. Fontaine Deputy Assistant Director for Budget Analysis.

CHANGES IN EXISTING LAW

In compliance with section 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill as reported are shown as follows: Existing law proposed to be omitted is enclosed in [black brackets], new matter is printed in *italic*, existing law in which no change is proposed is shown in roman:

**UNITED STATES CODE—TITLE 33—NAVIGATION AND
NAVIGABLE WATERS**

**CHAPTER 26—WATER POLLUTION PREVENTION AND
CONTROL**

SUBCHAPTER I—RESEARCH AND RELATED PROGRAMS

Sec. 1269. Long Island Sound.

(a) Office of Management Conference of the Long Island Sound Study

The Administrator shall continue the Management Conference of the Long Island Sound Study (hereinafter referred to as the "Conference") as established pursuant to section 1330 of this title, and shall establish an office (hereinafter referred to as the "Office") to be located on or near Long Island Sound.

(b) Administration and staffing of Office

The Office shall be consultation with the Administrators of EPA regions I and II, from among the employees of the Agency who are in civil service. The Administrator shall delegate to the Director such authority and detail such additional staff as may be necessary to carry out the duties of the Director under this section.

(c) Duties of Office

The Office shall assist the Management Conference of the Long Island Sound Study in carrying out its goals. Specifically, the Office shall—

(1) assist and support the implementation of the Comprehensive Conservation and Management Plan for Long Island Sound developed pursuant to section 1330 of this title;

(2) conduct or commission studies deemed necessary for strengthened implementation of the Comprehensive Conservation and Management Plan including, but not limited to—

(A) population growth and the adequacy of wastewater treatment facilities,

(B) the use of biological methods for nutrient removal in sewage treatment plants,

(C) contaminated sediments, and dredging activities,

(D) nonpoint source pollution abatement and land use activities in the Long Island Sound watershed,

(E) wetland protection and restoration,

(F) atmospheric deposition of acidic and other pollutants into Long Island Sound,

(G) water quality requirements to sustain fish, shellfish, and wildlife populations, and the use of indicator species to assess environmental quality,

(H) State water quality programs, for their adequacy pursuant to implementation of the Comprehensive Conservation and Management Plan, and

(I) options for long-term financing of wastewater treatment projects and water pollution control programs.

(3) coordinate the grant, research and planning programs authorized under this section;

(4) coordinate activities and implementation responsibilities with other Federal agencies which have jurisdiction over Long Island Sound and with national and regional marine monitoring and research programs established pursuant to the Marine Protection, Research, and Sanctuaries Act (16 U.S.C. 1431 et seq., 1447 et seq.; 33 U.S.C. 1401 et seq., 2801 et seq.);

(5) provide administrative and technical support to the conference;

(6) collect and make available to the public publications, and other forms of information the conference determines to be appropriate, relating to the environmental quality of Long Island Sound;

(7) not more than two years after the date of the issuance of the final Comprehensive Conservation and Management Plan for Long Island Sound under section 1330 of this title, and biennially thereafter, issue a report to the Congress which—

(A) summarizes the progress made by the States in implementing the Comprehensive Conservation and Management Plan;

(B) summarizes any modifications to the Comprehensive Conservation and Management Plan in the twelve-month period immediately preceding such report; and

(C) incorporates specific recommendations concerning the implementation of the Comprehensive Conservation and Management Plan; and

(8) convene conferences and meetings for legislators from State governments and political subdivisions thereof for the purpose of making recommendations for coordinating legislative efforts to facilitate the environmental restoration of Long Island Sound and the implementation of the Comprehensive Conservation and Management Plan.

(d) Grants

(1) The Administrator is authorized to make grants for projects and studies which will help implement the Long Island Sound Comprehensive Conservation and Management Plan. Special emphasis shall be given to implementation, research and planning, enforcement, and citizen involvement and education.

(2) State, interstate, and regional water pollution control agencies, and other public or nonprofit private agencies, institutions, and organizations held to be eligible for grants pursuant to this subsection.

(3) Citizen involvement and citizen education grants under this subsection shall not exceed 95 per centum of the costs of such work. All other grants under this subsection shall not exceed 50 per centum of the research, studies, or work. All grants shall be made on the condition that the non-Federal share of such costs are provided from non-Federal sources.

(e) Authorizations

(1) There is authorized to be appropriated to the Administrator for the implementation of this section, other than subsection (d) of this section, such sums as may be necessary for each of the fiscal years **1991 through 2001** *2000 through 2005*.

(2) There is authorized to be appropriated to the Administrator for the implementation of subsection (d) of this section **not to exceed \$3,000,000 for each of the fiscal years 1991 through 2001** *not to exceed \$10,000,000 for each of the fiscal years 2000 through 2005*.